IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH APRIL 2007 / 4TH VAISAKHA 1929

Bail Appl..No. 2440 of 2007()

CRMP.1820/1994 of ADDL.DISTRICT COURT, KOZHIKODE
CP.120/2006 of J.M.F.C.,VADAKARA

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: PETITIONER/ACCUSED

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1. PAPPAN @ PADMANABHAN, S/O. KUNHUNNI KURUP, KANNANAMKUZHIYIL HOUSE, VADAKARA AMSOM, DESOM.

2. DINESHAN T., S/O. GOPALAN, THEVANTEVIDA HOUSE, NADAKUTHAZHE AMSOM, PUTHUPPANAM DESOM.

3. M.AMEERUDIN MAILANCHI, S/O. DR. JAMALUDIN, KANALAPURAM HOUSE, VATAKARA AMSOM, DESOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE CIRCLE INSPECTOR OF POLICE, VATAKARA POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV.SHRI.S.U.NAZAR, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

B.A.NO. 2440 OF 2007

DATED THIS THE 24TH DAY OF APRIL 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C. Petitioners are the accused in C.P. No. 120/2006 on the file of the J.F.C.M., Vadakara. The offences alleged are under Sections 143, 147, 148, 448, 427 read with Section 149 of I.P.C and under Sections 3 & 5 of the Explosives Substances Act. They were enlarged on bail at the crime stage. It is submitted that they did not receive summons and hence they could not appear before the Court below. Non bailable warrant is issued against the petitioners.

2. On hearing both sides, I am of the view that the petitioners are to be granted the order sought for.

3. In the circumstance, petitioners are directed to appear before the Court below within 15 days from today onwards and apply for bail. The same application shall be considered and disposed of by the Court below on the same day itself, as far as possible. Non bailable warrant is kept in abeyance till then. It appears that no pre-trial detention is required in the matter.

K.R.UDAYABHANU.
JUDGE.

jg